

Subdivision & Zoning Ordinance Amendments – Mandatory Water & Wastewater

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 17-72, 17-84, 18-63 AND 18-64 RELATING TO MANDATORY SEWER AND WATER CONNECTIONS IN THE UPPER SWIFT CREEK PLAN AREA

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Sections 17-72, 17-84, 18-63 and 18-64 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

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Sec. 17-72. Improvements--Required.

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- (k) Connection to the county water supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-63:

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- (7) When a lot is located within the area of the Upper Swift Creek Plan and suggested for any use other than Deferred Growth, unless residential zoning was obtained for such subdivision prior to (date of adoption).

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- (n) Connection to the county wastewater supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-64:

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- (7) When a lot is located within the area of the Upper Swift Creek Plan and suggested for any use other than Deferred Growth, unless residential zoning was obtained for such subdivision prior to (date of adoption).

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Sec. 17-84. Standards for lots and parcels served by onsite sewage disposal systems.

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- (g) No subdivision of land within the Upper Swift Creek Plan for which residential zoning is obtained after (date of adoption) may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size.

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Sec. 18-63. Mandatory water connections in certain areas.

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- (e) All structures which are located on property that is included in the Upper Swift Creek Plan and suggested for any use other than Deferred Growth and which received zoning approval after (date of adoption) shall connect to the water system. However, the following structures shall not be required to connect unless connection to the water system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after (date of adoption);
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after (date of adoption) if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a private well;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

- ~~(e)~~ (f) For purposes of this section "structure" and "institutional building" shall have the same meaning as in the zoning ordinance

- ~~(f)~~ (g) The planning commission may grant exceptions to subsections (b) and (c) during schematic plan, site plan or tentative subdivision review. The planning commission may also grant exceptions to subsections (b), (c), ~~and (d)~~ and (e) to an applicant who files an application with the planning department on a form prescribed by the director of planning and who pays a fee of \$260.00 to the planning department, if the applicant is not subject to the schematic, site plan or subdivision review process. The planning commission shall find that:

- (1) The use of a private well will not adversely affect the ability to extend public water to other property;
- (2) The use of a private well will not encourage future development that is inconsistent with the comprehensive plan; and
- (3) The use of a private well is not reasonably likely to adversely affect the public health, safety or welfare.

The planning commission may impose conditions to mitigate the impact of any exception that it grants.

Sec. 18-64. Mandatory wastewater connection in certain areas.

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(d) All structures which are located on property that is included in the Upper Swift Creek Plan and suggested for any use other than Deferred Growth and which received zoning approval after (date of adoption) shall connect to the wastewater system. However, the following structures shall not be required to connect unless connection to the wastewater system is otherwise required by law:

- (1) Temporary manufactured or mobile homes;
- (2) Structures that were authorized by conditional uses or special exceptions which were renewed after (date of adoption);
- (3) Structures that are authorized by conditional uses or special exceptions that were granted after (date of adoption) if the use that is permitted by the conditional use or special exception is incidental to a principal use that was previously allowed with a septic system;
- (4) Governmental structures and institutional buildings; and
- (5) Residences that are located on lots that are exempt from the requirements of the subdivision ordinance.

~~(d)~~ (e) For purposes of this section, "structure," "single-family dwelling" and "institutional building" shall have the same meaning as in the zoning ordinance.

~~(e)~~ (f) The planning commission may grant exceptions to subsections (a), (b), ~~and (c) and (d)~~ during schematic plan, site plan or tentative subdivision review. The planning commission may also grant exceptions to subsections (a), (b), ~~and (c) and (d)~~ to an applicant who files an application with the planning department on a form prescribed by the director of planning and who pays a fee of \$260.00 to the planning department, if the applicant is not subject to the schematic, site plan or subdivision review process. The planning commission shall find that:

- (1) The use of an on-site disposal system will not adversely affect the ability to extend public wastewater sewer to other property;
- (2) The use of an on-site disposal system will not encourage future development that is inconsistent with the comprehensive plan; and
- (3) The use of an on-site disposal septic system is not reasonably likely to adversely affect the public health, safety or welfare.

The planning commission may impose conditions to mitigate the impacts of any exception that it grants.

(2) That these ordinances shall become effective immediately upon adoption.